

By KILLEN.]

[HOUSE FILE No. 267.—JUDICIARY.]

A BILL

FOR AN ACT TO AMEND SECTIONS 2340 AND 2341 OF THE CODE OF 1873, IN RELATION TO THE PROVING OF WILLS.

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. That section 2340 of the Code of 1873, be and the same is hereby amended by
2 striking out the words “ court or,” in the second line; and also all of said section after the
3 word “ same,” in the second line thereof.

SEC. 2. Also, that section 2341 be and the same is hereby amended by striking out all of
2 said section after the word “ hearing,” in the fifth line, and enacting the following in lieu
3 thereof: “ At the time so fixed for the hearing of the proof of said will, the clerk shall pro-
4 ceed to examine the instrument and the witnesses thereto, whose testimony shall be reduced
5 to writing and signed and sworn to by the affiants; such evidence appearing satisfactory
6 and conclusive, the clerk shall admit the will to probate; *provided*, that no written motion
7 of contest is on file with the clerk; in case such notice is on file the proof of the will shall
8 be continued to the next term and submitted to the court.

SEC. 3. This act being deemed of immediate importance shall take effect and be in force
2 from and after its publication in the Des Moines Leader and Iowa State Register, newspa-
3 pers published at Des Moines, Iowa.